

Town of Shrewsbury - Board of Selectmen
Richard D. Carney Municipal Office Building-Selectmen's Meeting Room
100 Maple Avenue
Monday, April 10, 2006 at 7:00 PM

Minutes

Present:

Bruce Card, Maurice DePalo, Thomas Fiore, Philip Hammond, John Lebeaux, Daniel Morgado, Town Manager, and Michael R. Hale, Assistant Town Manager. Personnel Board: Anthony A. Froio, Chairman, and William McGovern. Finance Committee: Clare O'Connor, Chairperson, Gene Buddenhagen, John Campbell, Charles Giacoppe, David L'Ecuyer, James McCaffrey, and Donna O'Connor. Mr. Lebeaux called the meeting to order at 7:08pm.

Preliminaries:

1. Approve bills, payrolls and warrants #0679 in the amount of \$298,093.74, and #0682 in the amount of \$901,064.31.
2. Announcements – Mr. Lebeaux announced that the Board of Health will hold its annual drop-off for televisions and computers on Saturday April 29th at Sherwood Middle School from 9:00am-1:00pm as part of Shrewsbury's Arbor Day Celebration. Televisions will be accepted for \$10.00 each. Cell phones, rechargeable batteries, mercury thermometers and thermostats will be accepted at no charge. Staples will be on site to collect computers, including monitors and peripherals for \$10 each. They will give a limited number of coupons to participants good for \$10 off on a \$40 or more purchase at Staples. Please note the change of locations from previous years.
3. Town Manager's Report – Mr. Morgado advised that as a part of the Arbor Day Celebration the Water Dept. will be giving away 100 indoor water conservations kits and outdoor water conservation kits. After Arbor Day these will be available for the cost of \$1 each. Mr. Morgado added that there will be other water conservation devices available as well.

Meetings:

4. 7:05pm – Joint Meeting with Finance Committee & Personnel Board (Executive Session)

Motion was made at 7:11pm, seconded, and unanimously voted to go into executive session for the purpose of discussing wages of non-union personnel and to reconvene into open session. The Board was polled, Mr. Card, yes, Mr. Hammond, yes, Mr. DePalo, yes, Mr. Fiore, yes, and Mr. Lebeaux, yes.

Motion was made, seconded, and unanimously voted to adjourn executive session and to reconvene into open session at 8:28 pm. On a roll call vote, Mr. Fiore, yes, Mr. DePalo, yes, Mr. Card, yes, Mr. Hammond, yes, and Mr. Lebeaux, yes.

After a short recess the Board reconvened at 8:53pm.

5. 7:15pm – Finance Committee report on the Fiscal Year 2007 Budget. Ms. Clare O'Connor, Chairperson of the Finance Committee, and other members of the Committee were present. Ms. O'Connor reviewed the Committee's report and advised that the numbers presented this evening were not final yet as the state figures have not been determined. Ms. O'Connor advised that this has been a difficult year and the committee anticipates more difficulty in future. Ms. O'Connor reviewed the budget recommendations for FY 2007 and advised that they are not final at this time as information is still being received from the state. They are recommending an operating budget of \$81,135,106.00, an increase of 4.4% over last year. Health and life insurance costs have increased by 10% and are the main factor in the budget increase. The Committee is also recommending an education budget of \$40,002,737.00, an increase of 6.2% over last year. Fixed costs are responsible for the biggest increase. Also contributing to costs are the increases in

Medicare, gas & oil prices, and an anticipated increase in unemployment due to proposed layoffs. Receipts seem to be improving but are not growing at the same rate as expenses. The committee recommends use of reserves and free cash to balance the budget. However, something must change dramatically if the Town wants to have a balanced budget in 2008. Mr. Morgado advised that the budget is still in flux as we are still getting information from the House Ways & Means Committee, a lot of work remains to be done. Ms. O'Connor advised that the Finance Committee will be meeting tomorrow night on the Special Town Meeting Warrant and they will also finish the review of the Annual Town Meeting Warrant.

Public Hearings:

6. 7:30pm – James Listenik, 14 Stoneland Road Way – Dog Complaint Hearing. Mr. Listenik, Animal Control Officer Leona Pease and several residents were present. Mr. Lebeaux swore in all those who intended to testify. Mr. Lebeaux asked Officer Pease to explain the complaint. Ms. Pease advised that there have been many complaints about this dog being allowed to run loose and running at people in their own yards barking aggressively. The problem has been going on for over a year and citations have been issued but nothing has been done to resolve the situation. Mr. Lebeaux asked Mr. Listenik if he had anything to say in regard to the charges. Mr. Listenik said he did not. James Salvidio testified that the dog had come after a guest in his yard when he was loose and would not allow him to exit his home another time. Henry Przygoda testified that his grandchildren cannot play in his yard because of the dog coming at them aggressively when loose. Carol Przygoda testified that the dog came at her when she was walking back from her mailbox. She added that she is afraid to go out in her yard for fear the dog may be loose. Mr. Lebeaux asked Mr. Listenik if he had any response to these allegations and he replied that he did not wish to respond. Motion was made, seconded and unanimously voted to close the hearing. After a discussion, the Board found that the boxer owned by James Listenik, 14 Stoneland Road Way, is determined to be a public nuisance by virtue of abuse of the leash law and intimidating neighbors by aggressive behavior. Finding was seconded and unanimously approved. Mr. Card moved that the restrictions recommended by Animal Control Officer Pease be applied. The dog must be under control at all times. The dog is to be on a leash led by an adult at all times when taken out of the house. The boxer, when outside, must be in a kennel made out of 6 ft. high chain link fencing and be at least 4 ft. wide by at least 10 ft. long. If the kennel is placed in an area that the dog can dig, the perimeter of the floor of the kennel must have concrete installed at least a foot wide and a foot deep or the whole floor may be made out of concrete. A frame of landscape timbers is to be installed on top of the concrete; the chain link panels are secured to these timbers, so that “Ozzilude” cannot dig out of the kennel. The kennel must have a top made out of chain link or have a solid roof so that the dog is prevented from climbing out of the kennel. The kennel is to have a doghouse of adequate size for the boxer to fit inside, to get out of the elements. There should also be a bucket of fresh water provided for the dog at all times he is in the kennel. The bucket should be non metallic and unbreakable. When the dog is in the kennel, the door is to be closed and secured with a locked padlock. The kennel is to be erected within two weeks of receipt of the Orders. The dog is to be brought out of the house and into the kennel by a responsible adult on a leash not to exceed 6 feet in length and be of adequate strength to hold the dog. These items will be inspected by the Animal Control Officer. Violation of any of the restrictions will be cause for another public hearing and the board will take additional action. Mr. Fiore moved that the orders be amended to allow Mr. Listenik twenty-one (21) days to erect the kennel. Motion was seconded, and unanimously voted to approve the restrictions as amended.

Old Business:

7. Water Rates. Mr. Lebeaux recused himself in order to avoid the appearance of conflict of interest and Mr. Fiore assumed the chair. Mr. Fiore reviewed the previous discussion regarding water rates. One issue discussed was conservation and hook up fees. At the last meeting the Board had asked the Manager for material on fees charged by surrounding communities. Mr. Fiore reviewed the fees and noted that Shrewsbury is well below the average. Mr. Morgado reported that Shrewsbury has the lowest water rate of any of these communities. He advised that the recommended increase of \$1000 for water conservation and \$1000 for hook ups for a total of two \$1500 fees would be used to help cover the costs of capital

improvements to the systems and state mandates. The Board noted that an increase in revenue is warranted to fund a very extensive list of capital improvements that are necessary (current estimate \$8,547,000 over the next five years). After a discussion, motion was made to institute a water conservation fee of \$1000 and hook up fee of \$4000 effective immediately. Motion was seconded and voted three in favor, with Mr. Card opposed and Mr. Lebeaux abstaining. Discussion of water rates will be held over until the April 24th meeting.

8. Study Committee. Mr. Lebeaux rejoined the meeting. Mr. DePalo outlined his suggestions for the committee structure. Committee will be made up of thirty (30) members, two (2) each from the Board of Selectmen, Finance and School Committees. Eighteen (18 – 2 from each precinct) Town Meeting Members appointed by the Moderator and sixteen (16) citizens at large appointed by the Selectmen. All members to be selected after the May 2nd election and before the Annual Town Meeting. The committee will be divided into two groups, one to study revenue issues and the other to study spending issues. The process will begin on May 9th with a joint meeting of the Selectmen, School Committee and Finance Committee. This is to be a “scoping” session to set the agenda, define the issues and establish parameters of committee work. The Chairman of the Board of Selectmen will present a report to Town Meeting identifying the Members, work and schedule of the committee. The committee will present an interim report to the Board of Selectmen the first week in November with a final report due on March 1, 2007. A discussion followed with Mr. Fiore expressing concern about the size of the committee. Mr. Card was concerned that there could be a possibility that some of those appointed may not have the best interests of the entire Town as their objective but have their own agenda. Mr. Lebeaux added that he saw it as two committees as opposed to one. Mr. Hammond stated that the Selectmen, School and Finance Committees have labored over this matter for years and by involving others in the community in the process would make them aware of the problems facing the Town. Motion was made to approve the structure of a committee as set forth in the outline proposed by Mr. DePalo with an interim report by fall 2006 and final report by March, 2007. Motion was seconded and voted three in favor with Mr. Card and Mr. Fiore opposed.

New Business:

9. Water Restrictions. Motion was made to restrict the use of outdoor water based upon street addresses. Even numbers may use water outdoors on Tuesday, Thursday and Saturday. Odd numbers may water outdoors on Wednesday, Friday and Saturday. No outdoor watering will be allowed on Monday by either group. Restrictions become effective on May 15, 2006. Motion was seconded and voted four in favor with Mr. Lebeaux abstaining.
10. Act on Step Increase Treasurer/Collector. Motion was made, seconded and unanimously voted to approve the step increase for the Treasurer/Collector.
- 10a. Pepper's Fine Foods Catering, 43 Hudson Street, Northborough, MA, One Day Wine & Malt Beverages License for event at Hoagland-Pincus Conference Center, 222 Maple Avenue, Wednesday, April 19, 2006 from 4:30pm to 6:00pm. Motion was made, seconded and unanimously voted to approve the application as stated.

Executive Session:

11. Collective bargaining, pending litigation and value of real property.

Communication:

12. Noted copy mailed: E-mail from Joy Buck, 11 Greylock Avenue, re Town Election. In response to Ms. Buck's question, anyone can run for the Board of Selectmen.
13. Noted copy mailed: Notice of Availability from CEA re Class A-1 Response Action Outcome, 508 Boston Turnpike
14. Noted copy mailed: Letter from School Committee Chair Deborah Peeples re formation of long range fiscal planning committee. Ms. Peeples suggests forming a committee very similar to the one discussed this evening.

15. Noted copy mailed: Notice of public hearing re Acceptance of Subdivision Streets as Public Ways. Hearing is scheduled for April 24th meeting at 7:30pm.
16. Noted copy mailed: E-mail from Aileen Lemoine, 12 Eaton Place, re Structural Deficit Task Force.
17. Noted copy mailed: E-mail from Shrewsbury Garden Club re change of date for Fundraiser from Saturday, April 22nd to Saturday, April 29th. Motion was made, seconded and unanimously voted to approve the change of date.
18. Noted copy mailed: Snow Storm Report –2/12/06.
19. Noted copy mailed: School Committee meeting Minutes, 2/15/06, 3/10/06 & 3/15/06.
20. Noted copy mailed: E-mail from Deena Frissora, 48 Hancock Street, re School Fees.
21. Noted copy mailed: E-mail from Karen Chagnon, 208 North Street, re North Street construction. Engineering has checked and all is under control.

Motion was made, seconded, and unanimously voted to adjourn at 11:00pm. On a roll call vote Mr. Card, yes, Mr. DePalo, yes, Mr. Fiore, yes, Mr. Hammond, yes, and Mr. Lebeaux, yes.

Respectfully submitted,

Janice C. McCoy
Secretary